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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/700,297	10/31/2003	T. William Hutchens	016866-001514	2693	
20350 7:	590 11/16/2005		EXAMINER		
TOWNSEND	AND TOWNSEND	ALEXAND	ALEXANDER, LYLE		
TWO EMBAR	CADERO CENTER				
EIGHTH FLOO	OR		ART UNIT	PAPER NUMBER	
SAN FRANCIS	SCO, CA 94111-3834		1743		

DATE MAILED: 11/16/2005

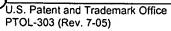
Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	Applicant(s)		
10/700,297	HUTCHENS ET AL.			
Examiner	Art Unit			
Lyle A. Alexander	1743			

	Lyle A. Alexander	1743	
The MAILING DATE of this communication appe	ars on the cover sheet with the d	orrespondence add	ress
THE REPLY FILED 03 January 2005 FAILS TO PLACE THIS A	PPLICATION IN CONDITION FOR	R ALLOWANCE.	
1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	the same day as filing a Notice of ving replies: (1) an amendment, aff tice of Appeal (with appeal fee) in the same of the sam	Appeal. To avoid aba fidavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
a) The period for reply expires 3 months from the mailing date	of the final rejection.		
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire a Examiner Note: If box 1 is checked, check either box (a) or (TWO MONTHS OF THE FINAL REJECTION. See MPEP 7)	dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailin b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejecti	ion.
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	on which the petition under 37 CFR 1.1 tension and the corresponding amount shortened statutory period for reply origing than three months after the mailing da	of the fee. The approprinally set in the final Offi	iate extension fee ice action; or (2) as
 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed AMENDMENTS 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	ns of the date of le appeal. Since
 The proposed amendment(s) filed after a final rejection, I (a) ☐ They raise new issues that would require further cor (b) ☐ They raise the issue of new matter (see NOTE below 	nsideration and/or search (see NO w);	TE below);	
 (c) They are not deemed to place the application in bet appeal; and/or (d) They present additional claims without canceling a 	corresponding number of finally rej		the issues for
NOTE: See Continuation Sheet. (See 37 CFR 1.1	16 and 41.33(a)).		
 The amendments are not in compliance with 37 CFR 1.12 Applicant's reply has overcome the following rejection(s) 		mpliant Amendment	(PTOL-324).
 Newly proposed or amended claim(s) would be al non-allowable claim(s). 	lowable if submitted in a separate,	timely filed amendme	ent canceling the
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is provided that the status of the claim(s) is (or will be) as follows: Claim(s) allowed: <u>none</u> . Claim(s) objected to: <u>none</u> . Claim(s) rejected: 74-109.	☑ will not be entered, or b) ☐ wi vided below or appended.	ll be entered and an e	explanation of
Claim(s) rejected. <u>74-709</u> . Claim(s) withdrawn from consideration:			
AFFIDAVIT OR OTHER EVIDENCE			
 The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e). 	t before or on the date of filing a N d sufficient reasons why the affidat	otice of Appeal will <u>no</u> vit or other evidence is	ot be entered s necessary and
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary	vercome <u>all</u> rejections under appe and was not earlier presented. S	al and/or appellant fa ee 37 CFR 41.33(d)(ils to provide a 1).
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after e	ntry is below or attach	ned.
 The request for reconsideration has been considered bu 	t does NOT place the application in	n condition for allowa	nce because:
 12. ☐ Note the attached Information Disclosure Statement(s). 13. ☐ Other: See Continuation Sheet. 	(PTO/SB/08 or PTO-1449) Paper N	No(s)	
		Lyle A Alexander	

Primary Examiner Art Unit: 1743



Continuation of 3. NOTE: The proposed amendmets raise new issues that would required futher search and consideration.

Continuation of 13. Other: Applicants' suggestion will be taken to apply the 5,547,835 patent instead of the cited 5,605,798 patent upon futher appeal. The Tang et al. reference was considered but is not prior art because of the later 2995 publication date..